

1/10/2014

TRULINCS 48332054 - LIOUNIS, PETER - Unit: BRO-I-C

FROM: 48332054
TO:
SUBJECT: response to memorandum and order
DATE: 01/09/2014 09:14:57 PM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA,
PLAINTIFF

V.

CR-12-350 (ILG)

PETER LIOUNIS,
DEFENDANT

X

RESPONSE TO HONORABLE JUDGE I LEO GLASSER'S MEMORANDUM AND ORDER DATED DECEMBER 18, 2013

I humbly ask the Court to give such leeway "counts are" for example to construe a pro-se litigants pleadings and motions liberally. The United States Supreme Court holds allegations of a pro-se complaint to less stringent standards than formal pleadings drafted by a lawyer. See *Haines v. Kerner* 404 U.S. 519.

First and foremost I respectfully apologize to this Court for using the word "demand".

I never intended nor volunteered to represent myself. I insisted on my Constitutional Right of self representation only after I was denied effective and competent counsel by this Honorable Court. Please see letter filed 07/12/12, document 20, 4 of 4 pages. My girlfriend filed a letter on my behalf asking the Court to sanction attorney Kelley Sharkey for many reasons. In the same letter I also claimed my innocents. As time went on attorney Kelley Sharkey only became worse. Ms. Sharkey was ineffective, inadequate, incompetent and apathetic to my zealous representation. She failed to communicate with me, did deminimis research, both legally and factually on my case, she misrepresented inchoate facts and issues and refused to put forth a work effort that depicted one of genuity and sincerity, she misrepresented me to the Court as a different person knowing the real person existed and was found. Moreover she waived important and meaningful legal rights without consent, these legal rights were created to protect me and my cause of actions. Ms. Sharkey lied to me and this Court under oath. I have submitted factual exhibits in support of the said lies. During a bail hearing Ms. Sharkey did not even present a bail package to the Court on my behalf, my family and friends who appeared that day came to support the bail package. Worst of all, attorney Kelley Sharkey informed the prosecution of my defense strategy for trial.

Please allow me to be very clear, I did ask Your Honor for new competent and effective counsel. Counsel of Your Honor's choice. Your Honor denied my request and refused to appoint effective and competent counsel. Your Honor stated verbatim "you will not be happy with any counsel I appoint you", and denied me. Only at that point did I insist on self representation. I refused to continue with attorney Kelley Sharkey who was ineffective and incompetent. Our relationship was irretrievably broken and there existed neither an ability to effectively communicate between us nor any level of trust.

Sadly, I have seen many defendants receive two or three even four new attorneys. I was refused a new competent lawyer, even though this case was deemed complex and technical and I'm facing a guideline range of 30 years. I have a High School education, I attended college for roughly 6 months. I never took any legal courses in my life nor do I think I'm a lawyer. After being denied effective counsel I used jail house attorneys for assistance and I have copied other attorney's motions and applied them to my legal arguments. I was denied bail for erroneous reasons, therefore making it impossible to mount a defense working under the harsh conditions of MDC Brooklyn. I have absolutely no help. I don't even have a paralegal. I have a private investigator who cant even get in the building to see me due to separations. I am broke, I am in debt. My family and friends are borrowing and begging to raise funds to help me find a competent attorney to give me a fighting chance.

I respectfully ask Your Honor in good faith to inquire if this case CR 12-350 (ILG) was randomly assigned by the Clerk of the Court or his designee in public view. If not please return the said case to the Clerks office for random selection. I received a letter at MDC Brooklyn to appear in your court room on 05/25/2012. I was told to appear for a violation of the United States Code. The letter asked me to appear one hour earlier so I can be interviewed by pre-trial services. The letter also stated if I don't appear an arrest warrant would be issued. I was produced my Marshals and was handed a 17 count rubber stamped, out

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of time indictment with a guideline range of 30 years. Moreover, the 54 page complaint which was used for my arrest remained open but mysteriously mirrored the 17 count indictment. The Government also filed a rule 50.3 letter some how relating me with other cases. However in the said letter the government stated it doesn't appear that reassignment to either Judge Weinstein or Judge Gleason would necessarily result in significant savings of judicial resources and serve in the interest of justice. Nonetheless, the government provides the information herein Pursuant to local rule 50.3.2(c)(1) to provide this Court with the necessary background to make this determination. Also see criminal information sheet filed 05/17/2012, document 14-1, under related Magistrate Docket Numbers someone replaced case M-12-079 with my complaint number M-12-379. This was done by hand. Also see Grand Jury Calendar Minute Sheet, Magistrate Levy is crossed out, Magistrate Mann is added, however the indictment was voted to Magistrate Pohorelsky. Moreover the said document was never filed on ECF and was never signed by a Deputy Clerk.

Throughout the proceedings as a Pro-Se defendant, every time the government filed a motion I was given a copy and had time to read it and was able to answer it if I chose to. However on October 29, 2013 that all changed. During a conference in Your Honors Court room I was asked if I object to the government dismissing 9 counts. I responded "no". At the time the question was asked I was unaware that the government filed a 20 page motion amending the said indictment out of the presence of the grand jury and much more. Your Honor didn't ask if I've seen or read the said motion or if I even received the said motion. I was completely blind sided by the question without knowing the facts. After receiving a copy of the said government motion in the mail at MDC Brooklyn and after the said conference took place, I responded to the said motion as fast as I could. In my response to the governments motion amending the indictment I re alleged many legal arguments and concerns, not only the speedy trial act as Your Honor's memorandum and order states. I clearly objected to everything written and explained why.

I am humbly asking Your Honor to recuse yourself from this case. Your Honor has been biased towards me and my defense since day one, even though I have claimed my innocents since day one. I was denied effective and competent counsel. I was denied bail for erroneous reasons. I'm being denied my Constitutional Right to receive a fair trial in accord with the Sixth Amendment. My Sixth Amendment Due process right is contingent on my ability secure experts. I was denied experts and given a small budget for other experts, which no experts will even entertain, I am now being denied leeway from this Court as a pro-se defendant because I refused to continue with attorney Kelley Sharkey who was ineffective, incompetent, and very unethical. Moreover, this order is lacking in findings of fact and conclusions of law resulting in deprivation of adequate and meaningful appellate review.

I, Peter Liounis, do hereby certify under oath and the penalties of perjury, that to the best of my ability and recollection, the facts contained herein are true.

Most Respectfully,



Peter Liounis

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